REMARKS

In reply to the Office Action mailed October 20, 2006, Applicants have amended claims 1 and 27 and added new claim 53. Claims 1-27 and 50-53 are pending and under examination. Claims 28-49 are withdrawn. Please consider the following remarks.

The amended claims recite a method of making a touch fastener having a non-planar topography. The method includes providing a sheet form base having a plurality of male fastener elements molded integrally with and extending from a portion of the sheet form base; and thermoforming at least the portion of the sheet form base having stems molded integrally therewith to provide a touch fastener having a non-planar topography.

35 U.S.C. 103

Claims 1-27 and 50-52 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,738,816 to Tidemann *et al.* (Tidemann) in view of U.S. Patent No. 5,725,928 to Kenny *et al.* (Kenny). Tidemann is cited for the suggestion that hook and loop fasteners may be carried by a strip portion of a flexible carrier, which is vacuum thermoformed. (See Office Action, page 2, 5th paragraph.) Tidemann does not teach or suggest carrying hook or loop fastener elements through a molding process, nor is it relied upon for such a teaching or suggestion. (Id.) In contrast with the disclosure of Tidemann, the amended claims require that the portion of the sheet form base having stems molded integrally therewith be thermoformed.

Kenny is relied upon for the teaching of a fastener strip that contains a magnetic material and undergoes a molding process. (Id.) Nothing in Kenny teaches or suggests thermoforming a portion of a sheet form base having stems molded integrally therewith as recited in the amended claims. Without such a teaching or suggestion, the references in combination do not support a *prima facie* case of obviousness and the rejection should be withdrawn.

New claim 53

New claim 53 recites a method of making a touch fastener having a non-planar topography. The method includes providing a sheet form base including a plurality of male fastener elements, each fastener element having a stem molded integrally with and extending from the upper face of the sheet form base; and subsequently thermoforming the sheet form base

to provide a touch fastener having a non-planar topography by exposing the upper face of the sheet form base to a temperature of between about 300 °F and about 550 °F and exposing the lower face of the sheet form base to a temperature of 200°F and about 600 °F. Tidemann does not disclose or suggest exposing the upper face of the sheet form base (i.e., the face carrying the fastener elements) to a temperature range having a lower upper limit than the temperature range for the lower face of the sheet form base (i.e., the face of the sheet form base without fastener elements).

The Examiner asserts that one of ordinary skill in the art would have found it obvious to have optimized the molding temperatures as commonly practiced in the art (See Office Action page 3). However, none of the references teach or suggest thermoforming a portion of a sheet form base carrying touch fastener elements. Without such a teaching or suggestion one skilled in the art would have no motivation to subject a sheet form base carrying fastener elements to differing temperature ranges on the upper face and the lower face of the sheet form base. Applicants therefore submit that new claim 53 is patentable over the art of record.

Applicants submit the application is in condition for allowance, which action is requested.

Please apply any charges or credits to deposit account 06-1050, referencing attorney docket number 05918-320001.

Respectfully submitted,

Date: January 22, 2007

/Catherine M. McCarty/
Catherine M. McCarty
Reg. No. 54,301

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21474512.doc